

City of Killeen
Regular City Council Meeting
Killeen City Hall
July 30, 2013 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Councilmembers Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, Deputy City Attorney Traci Briggs, City Secretary Dianna Barker, and Sergeant-at-Arms Roy Clayton.

Councilmember Harris gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

Approval of Agenda

Mayor Pro-Tem Blackstone moved to approve the agenda as written, seconded by Councilmember Gilmore. The motion was unanimously approved.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of July 9, 2013.

CA-2 Consider minutes of Regular City Council Meeting of July 16, 2013.

CA-3 Consider a memorandum/resolution authorizing Change Order No. 3 to the Cunningham Road Widening Construction contract with Dixon Paving.
This change order will reduce the expenditure for this project in the 2011 CO Bond, Cunningham Road account, 343-3490-800.58-39. The total cost of the changes is a net decrease of \$162,768.30 for a total contract price of \$2,710,505.50.

CA-4 Consider a memorandum/resolution authorizing Change Order No. 1 for The Landing at Clear Creek Phase I with WBW Development, LLC.
This change order in the amount of \$27,580.00 will add traffic signals and street striping at the Mohawk Drive and Clear Creek Road intersection.

CA-5 Consider a memorandum/resolution authorizing the contract award for Bid 13-27 for the A.K. Wells Trail Extension – West a.k.a 2012 CDBG Trail Extension project.
Two bids were received, Myers Concrete Construction out of Wimberly, Texas and Alpha Constructors, Inc. out of Temple, Texas. Staff recommends awarding a construction contract to Alpha Constructors, Inc., lowest bidder, in the amount of \$167,926.30 and to authorize the City Manager to execute all necessary contract documents.

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- CA-6 Consider a memorandum/resolution approving a Contract Amendment to the Professional Services Agreement with Jacobs Engineering Group Inc. for the design of South Nolan Creek major drainage capital improvement projects.
This resolution would provide design and related services for the South Nolan Creek Major Drainage CIP Projects in the amount of \$58,430.00.
- CA-7 Consider a request by JYKM Splawn Ranch, LLC, for a final plat of approximately 4 acres, being part of the W. H. Cole Survey, Abstract No. 200. The property is located on the northeast intersection of SH 195 and Splawn Ranch Drive, Killeen, Texas.
This plat request would replat a 4 acre tract into one lot, one block, for retail development to include a gas station and convenience store. Planning & Zoning has approved the plat and it does meet all subdivision regulations.
- CA-8 Consider a memorandum/resolution for the procurement of two (2) vehicles total, for the Fire Department and Building Inspection Division.
This resolution would authorize the purchase of two city vehicles, one suburban for the fire department and one ½ ton pickup for the Building Inspection division for a total cost of \$96,408.00.
- CA-9 Consider a memorandum/resolution approving the abandonment of a 10' utility easement located in Lot 8A, Block 1, amended plat of Lot 8, Block 1, Replat of Killeen Mall Subdivision. The applicant is requesting abandonment in order to construct a 6,882 sq. foot shell building that will house a future Aspen Dental Clinic and Mattress Firm store in order to avoid encroachment upon existing easement.
- CA-10 Consider a memorandum/resolution authorizing the award of a construction contract for the Stagecoach Road Reconstruction, Phase II project to McLean Construction.
Three bids came in on this project, McLean Construction, James Construction Group, and Anderson Columbia. McLean Construction is low bidder at \$17,171,171.10. The contract is for infrastructure for Stagecoach Road.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 1 through 6 and 8 through 10. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

Consent Agenda #7: The plat was approved 5 to 2 with Councilmember Okray and Councilmember Harris in opposition.

Public Hearings / Ordinances

PH-5 HOLD a public hearing on the FY 2013-14 proposed Annual Budget and Plan of Municipal Services.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Mayor Pro-Tem Blackstone to set the preliminary hearing on the proposed budget and plan of municipal services and to set the preliminary tax rate for August 13th. Motion was seconded by Councilmember Segarra; motion carried 6 to 0 with Councilmember Okray abstaining.

PH-1 HOLD a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen relating to the downtown street projects by increasing various capital improvement beginning fund balance accounts in the amount of \$202,069 by decreasing various capital improvement revenue accounts in the amount of \$136,936 and by increasing various capital improvement expense accounts in the amount of \$2,557,897.

The caption was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN RELATING TO THE DOWNTOWN STREET PROJECTS BY INCREASING VARIOUS CAPITAL IMPROVEMENT BEGINNING FUND BALANCE ACCOUNTS IN THE AMOUNT OF \$202,069, BY DECREASING VARIOUS CAPITAL IMPROVEMENT REVENUE ACCOUNTS IN THE AMOUNT OF \$136,936 AND BY INCREASING VARIOUS CAPITAL IMPROVEMENT EXPENSE ACCOUNTS IN THE AMOUNT OF \$2,557,897; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: This is a matter of housekeeping. The budget amendment will place funds in their appropriate account.

Mayor Corbin opened the public hearing. With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Okray to approve ordinance 13-055. Motion was seconded by Mayor Pro-Tem Blackstone. The motion carried unanimously.

PH-2 HOLD a public hearing and consider an ordinance amending the FY 2012-13 City of Killeen Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Court Security Fund Budget for the purchase of security cameras for the interior and exterior of the Killeen City Hall Annex.

The caption was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING ACCOUNT 241-0000-417.61-35 CAPITAL OUTLAY/EQUIPMENT IN THE CITY OF KILLEEN COURT SECURITY FEE FUND IN THE AMOUNT OF \$49,027; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: The increase in this account would pay for interior and exterior cameras. The money comes from court costs. The court recommends purchasing the equipment from CWS.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Harris to approve ordinance 13-056. Motion was seconded by Councilmember Segarra. The motion carried unanimously.

PH-3 HOLD a public hearing and consider an ordinance requested by AJH Timber Ridge Estates, LLC (Case #Z13-21) to rezone part of Lots 1-5, Block 17, Timber Ridge Estates, Phase Three, from R-1 (Single Family Residential District) to NBD (Neighborhood Business District) and RT-1 (Residential Townhouse Single Family District). The property is locally known as 6010, 6100, 6102, 6104 and 6106 Boxelder Trail, Killeen, Texas.

The caption was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RT-1 (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) AND NBD (NEIGHBORHOOD BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Staff received no opposition to this rezoning from neighbors. The requestor removed his request to rezone the .95 acres from R-1 to RT-1, leaving only the 1.692 acres to be rezoned from R-1 to NBD.

Mayor Corbin opened the public hearing.

Citizen comments: Mr. Wheatly spoke in support of the rezoning.

The public hearing was closed.

Motion was made by Mayor Pro-Tem Blackstone to approve rezoning of 1.692 acres from R-1 to NBD. Motion was seconded by Councilmember Okray. The motion carried unanimously.

PH-4 HOLD a public hearing and consider a petition submitted by Glenn and Patricia Collins requesting the extension of the corporate city limits of the City of Killeen, by annexing 1.339 acres located along the west right-of-way of SH 195, directly west of the intersection of SH 195 and FM 2484.

Staff comments: The property owners are working with the city to look at economic development along this corridor. Property owners are willing to do voluntary annexation as long as it's covered by a development agreement. It is requested that this item be placed on the August 20th workshop agenda and the regular council meeting for August 27th. This property will be zoned agricultural upon annexation.

Mayor Corbin opened the public hearing.

Citizen comments: Mr. David Olson, a representative of Mitchell & Associates, spoke in support of the request.

With no other comments submitted, the public hearing was closed.

Motion was made by Councilmember Clark to accept the petition and direct staff to prepare an ordinance to affect the annexation. Motion was seconded by Councilmember Okray; motion carried unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance authorizing the creation of Bell County Municipal District No. 2 and entering into a consent and development agreement associated with the same.

The caption was read as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN
CONSENTING TO AND AUTHORIZING THE CREATION OF BELL COUNTY
MUNICIPAL DISTRICT NO. 2 SUBJECT TO THE TERMS AND CONDITIONS OF A
CONSENT AND DEVELOPMENT AGREEMENT; PROVIDING FOR THE REPEAL
OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING
A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN
EFFECTIVE DATE.**

Staff comments: The purpose of this action item is to seek City Council's approval of an ordinance and an incorporated consent and development agreement consenting to the creation of Bell County Municipal Utility District Number 2 as presented by local developer, Mr. Bruce Whitis. If approved, the consent and development agreement will

directly control the development of approximately 1373 acres of property located south of the City limits in the City's extraterritorial jurisdiction. Staff went over the legal ramifications, benefits and commitments.

Staff recommends that the City Council adopt the ordinance based upon the legal constraints and benefits indicated previously.

Citizen comments: Mr. Dick Young applauds this project but is concerned about wording being ambiguous and doesn't like the process the MUD is being developed by.

Councilmember Segarra moved to approve the ordinance 13-058, seconded by Councilmember Gilmore. -----

Motion was made by Councilmember Okray to amend wording to reflect a commitment by the city of a cap of \$1.25M. Motion was seconded by Councilmember Harris; motion failed 5 to 2 with Councilmember Okray and Councilmember Harris in favor.

Motion was made by Councilmember Harris to lay Ordinance OR-1 on the table. Motion was seconded by Councilmember Okray; motion failed 4 to 3 with Councilmember Harris, Councilmember Okray, and Councilmember Clark in favor.

---- Motion carried 4 to 3 with Councilmember Okray, Councilmember Harris, and Councilmember Clark opposing.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 7:00 p.m.

Daniel A. Corbin, Mayor

Dianna Barker, City Secretary